

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MARVEL WORLDWIDE, INC., :
MARVEL CHARACTERS, INC. and :
MVL RIGHTS, LLC, :
:

Plaintiffs, :
:

- against- :
:

LISA R. KIRBY, BARBARA J. KIRBY, :
NEAL L. KIRBY and SUSAN N. KIRBY, :
:

Defendants. :
-----X

Civil Action No. 10 Civ. 141 (CM) (KNF)

:LISA R. KIRBY, BARBARA J. KIRBY, :
NEAL L. KIRBY and SUSAN N. KIRBY, :
:

Counterclaimants, :
:

- against- :
:

MARVEL ENTERTAINMENT, INC., :
MARVEL WORLDWIDE, INC., :
MARVEL CHARACTERS, INC., :
MVL RIGHTS, LLC, :
THE WALT DISNEY COMPANY, :
and DOES 1 through 10, :
:

Counterclaim-Defendants. :
-----X

**NOTICE OF MOTION TO EXCLUDE THE EXPERT REPORT
AND TESTIMONY OF MARK EVANIER**

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law and
accompanying Declaration of Sabrina A. Perelman, dated February 18, 2011, and the exhibits
thereto, Plaintiffs and Counterclaim-Defendants Marvel Worldwide, Inc., Marvel Characters,
Inc. and MVL Rights, LLC, Marvel Entertainment, LLC (sued herein as Marvel Entertainment,

Inc.) and The Walt Disney Company hereby move the Court, before the Honorable Colleen McMahon, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York for an order excluding the expert report and testimony of Mark Evanier and for such other and further relief as this Court may deem just and proper.

Dated: February 25, 2011

By: /s/ James W. Quinn

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